

PTO/SB/24 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# EXPRESS ABANDONMENT UNDER 37 CFR 1.138

Docket Number (Optional)  
50957-018

To:

Assistant Commissioner for Patents  
Washington, DC 20231

In re Application of  
Clouatre, et al.

Application Number  
10/666,667

Filed  
September 20, 2003

For  
(-)-Hydroxycitric Acid for Delaying Gastric Emptying

Group Art Unit  
1614

Examiner  
Not Assigned

Please check only one of boxes 1-3 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☐ **Express Abandonment**  
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**  
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed herewith.
3. ☒ **Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)**  
I hereby petition to expressly abandon the above-identified application to avoid publication.

**NOTE:** The application will be published in regular course unless the petition is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

**Petition Fee** – must be filed with petition to avoid delays in recognizing the petition.

a. ☒ The Commissioner is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to Deposit Account No. 50-3301.

b. ☐ Check in the amount of \$\_\_\_\_\_ is enclosed. (Form PTO/SB/86).

c. ☐ Payment by credit card (Form PTO-2038 is enclosed).

Fax the petition directly to the Pre-Grant Publication Division at (703) 305-8568 or Mail the petition to the above address directed to Box PGPUB-ABD.

**NOTE:** A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes the paper. See MPEP 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized by the Pre-Grant Publication Division in sufficient time to avoid publication.

I am the

☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37CFR 3.73(b) is enclosed.

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a) (may act only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a). 52,875

(Attorney or agent registration number)

Signature

James F. Ewing, Reg. No. 52,875

Typed or printed name

OK FOR ABANDONMENT

NOV 12 2004

PG PUB DIVISION  
INITIALS

RECEIVED  
USPTO-PG PUBS

NOV 11 2004

November 11, 2004

Date

\*Note: Signatures of all the inventors or assignees of record of the entire interest or their representatives(s) are required. Submit multiple forms if more than one signature is required. See below.

11/15/2004 KKG61 00000002 503301 10666667

01 FD:1460 130.00 DA



**EPSTEIN BECKER & GREEN, P.C.**

ATTORNEYS AT LAW

111 HUNTINGTON AVENUE, 26TH FLOOR  
BOSTON, MASSACHUSETTS 02199-7610  
TEL: 617.342.4000  
FAX: 617.342.4001

**FACSIMILE COVER SHEET**

**DIRECT: 617.342-4088**

**PRIVILEGED AND CONFIDENTIAL**

To: Pre-Grant Publication Division  
U.S.P.T.O.

Fax Number: 703-305-8568

Telephone Number:

From: James F. Ewing

Atty. No. 50865

Pages (including cover):

Date: November 11, 2004

Client No.: 50957-018

**Comments:**

Attached is a Request for Express Abandonment and accompanying documents for USSN 10/666,667.

**NOTICE OF PRIVILEGE AND CONFIDENTIALITY**

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PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

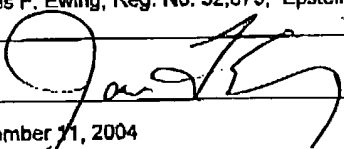
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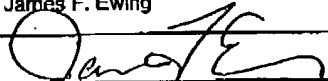
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/666,667
	<b>Filing Date</b>	September 20, 2003
	<b>First Named Inventor</b>	Clouatre, et al.
	<b>Group Art Unit</b>	1614
	<b>Examiner Name</b>	Not Yet Assigned
<b>Total Number of Pages In This Submission</b>		<b>Attorney Docket Number</b> 50957-018 (RHI-013 US)

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input checked="" type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Substitute Drawing (Figure 1) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Combined Declaration and New Power of Attorney (9 pages) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> Diskette; Number of diskettes:	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):		
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Remarks</td> <td></td> </tr> </table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James F. Ewing, Reg. No. 52,875, Epstein Becker and Green, P.C.
Signature	
Date	November 11, 2004

CERTIFICATE OF FACSIMILE			
I hereby certify that this Petition for Express Abandonment to Avoid Publication Under 37 CFR 1.138(c) and all related documents are being facsimile transmitted to the Pre-Grant Publication Division, United States Patent and Trademark Office, Facsimile No. (703) 305-8568 on November 11, 2004			
Typed or printed name	James F. Ewing	Date	November 11, 2004
Signature			

PTO/SB/17 (10-01)

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 130

## Complete if Known

Application Number	10/888,667
Filing Date	September 20, 2003
First Named Inventor	Ciouatre, et al.
Examiner Name	Not Assigned
Group / Art Unit	1614
Attorney Docket No.	50957-018 (RHI-013 US)

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

60-3301

Deposit  
Account  
Name

Epstein Becker and Green, P.C.

- ☐ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid	
20 **	0	X	0	
Independent Claims	3 **	0	X	0
Multiple Dependent		X	0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	16	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Release independent claims over original patent
110	16	210	9	** Release claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
138	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,860	228	980	Extension for reply within fifth month	
118	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	820	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)

James F. Ewing

Registration No. Attorney/Agent

52,875

Telephone

817-342-4000

Signature

Date

November 11, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.